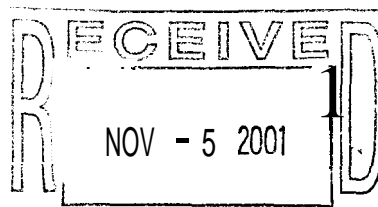


National Marine Fisheries Service
Office of Protected Resources
Permits Division (F/PR1)
Fax: (301)713-0376



We are a group of students attending class at Florida International University. We have taken interest in the proposed rule concerning the Marine Mammal Protection Act of 1972, And collectively we have inquired about the disposition those affected by proposed changes to the act, and have drawn our own conclusions. We, as responsible members of society, feel that it is our duty to voice our opinion, and we all appreciate the opportunity to voice it.

It was amazing to observe the kind of reactions we received from entities such as PETA, NOAA, NMFS, aquariums and assorted animal rights activist groups. To our amazement, those whom we thought would be helpful and open to discuss this issue (we assumed that government established organizations would welcome our inquiries.) took a very defensive stance on the issue or simply "passed the buck." Those, whom stood the most to lose if the proposed rule is passed, were the most professional and helpful.

We took a look at this issue from both sides of the fence, after much discussion on the matter we have drawn our own conclusions on what we consider to be reasonable.

Disposition for a Special Exception Purpose

For humanitarian reasons, we should not allow these animals to die in the wild if we can prevent it. Therefore, we agree with the proposed rule's standing on this issue. Though we share great respect for each one of these magnificent animals, we cannot endanger the ones in the wild by exposing them to "domesticated" animals. We believe that if a specimen is rescued, rehabilitated and released, the learned behaviors and loss of fear for human presence could prove to be detrimental factors in the wild. Furthermore, we believe that tamed animals, which have never had to hunt or worry about predators, would fare well in the ocean. Keeping these animals captive would be the most humane solution. As for releasing an animal to conduct a "pinger-recall," we have an alternate solution.

There should be **increased use of technology such as DNA fingerprinting and Digital Angel**. Digital Angel is a small transmitter **that is designed** to be implanted under the skin. It **is small**, lightweight and **very durable**, so durable **that the military is now** considering non-implanted **versions of the same** product for our troops. This network has the **ability** to pin-point an implant to within **100 feet via satellite**. **Moreover**, this **unit** will transmit the host's vital **signals** including temperature, heartbeat and blood pressure. This technology would facilitate the location **and** recapturing of **an** escaped animal.

Marine Mammal Parts

We support the strict regulation of **marine mammal** parts **being** imported and exported across our borders. **If** we weaken these regulations **may** encourage **an** open **market** for commercial purposes. It is our responsibility to uphold the **MMPA's fundamental** values **and** allow for no loop holes.

Permits to Capture or Import

We applaud the proposed **rule's banning of importations and captures**. We do not feel that the capturing of **a healthy** marine **mammal** in the **wild** is justified under **any** circumstances. We, **as a society** can **no** longer **continue** to **justify** the enslavement of any creature for our **own means**, be they entertainment **or** educational. These animals should be observed in their **environment** and with **much respect**.

If an animal is already "un-releasable," it is **still** **our** responsibility to **look** after its best interest. Once an individual **has been** captured, we **must** not **turn our** backs on its whereabouts. We agree with the proposed rule **on the strict** regulation over **imports and** transfers. In the current world **we live** in, where **everything** boils **down** to **money**, we cannot **afford** to allow the "**free** market" to decide the fate of **these** creatures. **We** stand by the **MMPA's strict** regulation **over** the entities **acquiring the animals** and the **motives** behind **their acquisitions**.

We feel **that** the guidelines described in the proposed rule for **the notification periods** before transfers or importations **are appropriate**. **But, we do** not feel **that** "certification" **that** the recipient facility **meets** the **requirements for a public display permit**.

This could put **one** of these **animals in an unfavorable** position. What **would** prevent a facility in **a foreign country from purchasing** an animal in the United **States**, **falsifying** the certifications **and submitting** them to **the NMFS**, and then **exposing** the animal to **adverse** conditions? These facilities **must** be examined by **a NMFS** representative, and **only then** should the animal be transferred.

We also agree with the proposed rule's **standing on the** rapid integration of wounded animals for medical reasons. **This** is just **common sense**. The **medical** treatment of wounded marine **mammals** should **always** take precedence to the paper trail **to** follow.

As for the capturing of wild **animals** for the purposes of improving the gene pool in captive populations, **we strongly** disagree with this practice. With the availability of technology today, there are other feasible solutions to this problem. Perhaps **we** could consider the temporary capture of **a** DNA donor in the wild, **only long enough** to harvest the **animal's DNA**. **This way, we could improve the genetic** variety of **the captive animals**, while still protecting the freedom of those in the wild. Additionally, with the increased recordkeeping requirements in the proposed **rule**, it would **be possible to arrange** for donor animals registered in other **regions** or countries to contribute their genetic diversity.

Reporting

We **agree** with the proposed rule's view on the integration of **animal** data into the Marine Mammal Inventory database. Keeping track **of** your captive population is absolutely necessary in order to **maintain** a vigilant watch. **We** would like to suggest **a** step forward. We are concerned about the possibility of **falsifications** and errors in **recordkeeping**. **Why not keep** a record of the animal's DNA in **a** database. **We propose** that when **an** animal is born into captivity or is rescued and rehabilitated, that **animal's** DNA codification is entered into **a** database. **When an animal is** transferred, blood samples are taken **at** shipping and receiving locations. **This** would increase security significantly. **This** is where Digital Angel plays **an** integral part. If the animal **can** be located anywhere on the planet while having vital **signals** are being monitored, the probability of an "inventory error" **is** greatly reduced.

Submission of Notification and Reports

The integration of the **ISIS and NMFS databases** will facilitate **recordkeeping** save on **resources**, eliminate or reduce error **and** improve the general **integrity** of the **entire system**. Strict control **and** enforcement of compliance policy **must** be **maintained**.

Though we feel that NMFS' **standards** are warranted and just, we do not agree with the **NMFS' imposing of its regulation** internationally. **The NMFS must** be **wary** of creating sore spots in the relationships **between nations**. Furthermore, the imposing of **US laws and standards** on other nations **is** not **smiled** upon in the courts or in **Congress**.

Seizure of Marine Mammals

Although we do **agree** that **marine mammals** should be **seized** if regulations on their **care** and **use** are **not** being followed, we feel **that one section was very vague**. The **proposed rule states**: "**a** letter of intention **to** revoke such a license **may** indicate that a person or **facility** holding **marine animals** is **not reasonably** likely to meet the requirements **the animals** may be maintained in the **same** physical location **with** the assistance of **any** person

under direct control of, employed by or under contract to **NMFS** "

What is meant by the words "any person?" **We** would **hope** that **this person's qualifications** are appropriate **for his or her** responsibility. We **propose that you assemble a rapid response group to serve this purpose.** This team could be comprised of **scientists, physicians and support personnel.**

Division of Authority and Responsibility

It is to our understanding **that the enforcement of the MMPA is a joint effort of the NMFS and the APHIS.** We disagree with this issue and would like to side with Mr. **George J. Mannina, Jr.** and **his** oral testimony before the subcommittee on fisheries conservation, wildlife and **oceans on October 11, 2001.** We especially agree With **his views** on shared responsibility and **authority;** "in its 2001 proposal, NMFS claims it has joint authority with **APHIS** to enforce **APHIS'** care and maintenance standards. **MPNS'** proposal creates the awkward circumstance in which **an APHIS inspector finds a facility in compliance with APHIS' regulations but a NMFS inspector says APHIS is wrong**" This situation **could** be chaotic, causing friction **between the two agencies,** duplicating effort and resources and **creating** confusion. We **propose** that either one or the other **assumes** exclusive responsibility over the matter of setting standards and enforcement.

Conclusion

Although we do believe that the intentions of the **APHIS** and **NMFS** are as sincere **as** those of **the marine parks and facilities** affected by the proposed rule, we feel that there **are many alternatives to some of the policies concerning marine mammals.** We feel that it is our responsibility **as** concerned citizens to **have** our opinion heard, **and to persuade you** to consider alternative actions. The **MMPA** was written **to protect wild marine mammals that would otherwise be endangered, as well as those in captivity.** As a whole, we **feel** that the **MMPA** offers much of the protection these **animals** desperately need, **We can only hope that those standards will be maintained, while finding some common ground between all stakeholders.**

We would like to extend our ~~most~~ sincere thanks **for the opportunity to voice our opinions.** And **in closing, we would like to stress our** desire for the **APHIS** and **NMFS** to work closely, **and in conjunction,** with all other parties involved **to** secure the safety and **well-being** of the **animals** in question. The **cooperation between** all parties is imperative to achieving the best results from all the ~~effort~~ and resources dedicated to this **task.**

. Sincerely,

Jose M. Gonzalez
Luciana Ingersoll
Samantha Jacobs
Lisa Knight
Luvy Morales